

MELINDA HAAG (CABN 132612)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

SUZANNE B. MILES (242048)
Assistant United States Attorney
1301 Clay Street, Suite 3405
Oakland, CA 94612
Telephone: (510) 637-3680
Fax: (510) 637-3724
E-Mail: Suzanne.Bratiss@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

| | | |
|----------------------------|---|-------------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR-10-00681-CW |
| |) | |
| Plaintiff, |) | |
| |) | PROPOSED ORDER EXCLUDING |
| v. |) | TIME |
| |) | |
| TYRONE LAVAR HUMPHREY, and |) | |
| ROYRICK DWAYNE MILLER, |) | |
| |) | |
| Defendant(s). |) | |

Following the initial appearance of defendants TYRONE LAVAR HUMPHREY and ROYRICK DWAYNE MILLER on September 17, 2010, the Court enters this order documenting the exclusion of time for both defendants under the Speedy Trial Act until the next court date of September 22, 2010.

As to Mr. Humphrey, the parties agreed, and the Court finds, that excluding time until September 22, 2010, was the reasonable time necessary for effective preparation of defense counsel, given the exercise of due diligence, so that counsel can obtain and review discovery. 18 U.S.C. § 3161(h)(7)(B)(iv).

As to Mr. Miller, a speedy trial exclusion is appropriate for continuity of counsel until

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1 September 20, 2010, given the need to obtain retained counsel (given that the federal defender's
2 office is representing Mr. Humphrey). *Id.*

3 The exclusion as to Mr. Humphrey also is a reasonable period of delay as to Mr. Miller, and
4 thus the Speedy Trial exclusion as to Mr. Humphrey extends to Mr. Miller. *See* 18 U.S.C. §
5 3161(h)(6) .

6 The Court finds that the ends of justice served by the continuance and excluding time
7 outweigh the best interest of the public and both defendants in a speedy trial. Accordingly, the
8 Court excludes time under the Speedy Trial Act from September 17, 2010, and September 22,
9 2010. *See* 18 U.S.C. § 3161(h)(7)(B)(A) and (B)(iv).

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11
12 DATED: September 20, 2010



LAUREL BEELER
United States Magistrate Judge